

MHJN020019902019 	Civil M.A. No. 209/2019 Nirajsing Harising Thakur Vs Jilani Akbar Kokani
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ORDER BELOW EXH.39.

1] The present application has been preferred by the Non-Applicant No. 1 seeking to set aside the "No-Say" order passed against him. The Applicant has filed the say and opposed the application. Arguments on behalf of the Applicant were heard. Despite repeated opportunities, neither Non-Applicant No. 1 nor their learned advocate remained present on the last several dates fixed for hearing. Hence, it is deemed that they have no further submissions to advance, and the matter is proceeded with on the basis of the material available on record.

2] Upon careful consideration of the application, the say filed by the Applicant, and the entire record, it appears that the "No-Say" order earlier passed against Non-Applicant No. 1 had already been set aside vide Exhibit 28, subject to payment of costs. However, Non-Applicant No. 1 failed to comply with the said condition by not depositing the costs as directed. Thereafter, by order below Exhibit 31, this Court once again granted permission to Non-Applicant No. 1 to file their say, again subject to payment of costs. Even then, the said condition remained uncomplied with, and the costs were not paid. Subsequently, by order below Exhibit 32, an adjournment was granted subject to payment of costs, and yet another opportunity was extended to Non-Applicant No. 1 to file their say. However, despite such repeated indulgence shown by the Court, Non-Applicant No. 1 once again failed to comply with the conditional order regarding payment of costs and did not avail themselves of the

opportunity granted.

3] Now, by way of the present application at Exhibit 39, Non-Applicant No. 1 has once again sought setting aside of the "No-Say" order without first complying with the earlier orders of this Court. The conduct of Non-Applicant No. 1 clearly demonstrates a consistent pattern of disregard for the orders of this Court. Despite being afforded repeated and sufficient opportunities, they have failed to comply with the conditions imposed while simultaneously seeking further indulgence. Such conduct reflects a lack of bona fides and appears to be calculated solely to protract and delay the proceedings. A party who has repeatedly failed to comply with the orders of the Court cannot, as a matter of right, seek equitable relief without first purging the default. The present application, therefore, appears to be devoid of merit and is nothing but an attempt to delay the adjudication of the matter while avoiding compliance with the earlier orders passed by this Court. Hence, for the foregoing reasons, I proceed to pass the following order:

ORDER

- (i) The present Application (Exhibit 39) is hereby stand rejected.

Date:- 17/07/2026
Place : Jalna

(Smt. H.Y Kawale)
Joint Civil Judge Junior Division,
Jalna.